

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 6197 of 1995

For Approval and Signature:

Hon'ble MR.JUSTICE M.R.CALLA

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1. Whether Reporters of Local Papers may be allowed to see the judgements? No

2. To be referred to the Reporter or not?No

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3. Whether Their Lordships wish to see the fair copy of the judgement? No

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?No

5. Whether it is to be circulated to the Civil Judge?No

REVABHBAI PANNABHAI SOLANKI

Versus

UNION OF INDIA

Appearance:

MR GM JOSHI FOR PETITIONER.

MR.J.D.AJMERA ADDL.CENTRAL GOVT.STANDING COUNSEL FOR
RESPONDENTS.

CORAM : MR.JUSTICE M.R.CALLA

Date of decision: 23/02/96

ORAL JUDGEMENT

Heard learned counsel. There is no dispute that the services of the petitioner were terminated on 3.7.1986. He then made a uncalled for immemorial representation on 3.2.1988 to the Desk Officer for not providing him the benefits under the rules. Thereafter he raised an industrial dispute vide representation dated 23.6.1993. It appears that the office of the Assistant Engineer,CC.III, sent a letter dated 10.9.1993 to the Assistant Labour Commissioner. The Assistant Labour

Commissioner (C)I, Ahmedabad sent letter dated 14.9.1993 to the Secretary, IR(DU-II) to Government of India, Ministry of Labour stating therein that the workman had agreed to join the duties without any condition but the department did not agree. The conciliation proceedings were concluded accordingly resulting into failure. The workman had agreed for voluntary arbitration but that too was not agreed by the department. Thereafter the Labour Ministry has passed an order dated 28.3.1994 refusing to make reference for the following reason :

"The dispute has been raised belatedly, i.e. after a lapse of 7 years of the cause of action without giving any reasons justifying the delay."

Having heard the learned counsel for both the sides. I am of the opinion that the termination order was passed on 3.7.1986 and the industrial dispute was raised in the year 1993 i.e. after a period of about 7 years. Merely because on uncalled for immemorial representation/appeal not provided under the Rules had been made and that too in the year 1988 and thereafter the machinery under the Industrial Dispute Act was invoked as late as in 1993, it cannot be said that delay stands justifiably explained. There was no reasonable and sufficient cause by which the petitioner can be said to have been prevented from raising industrial dispute within reasonable time. The Ministry of Labour, Government of India, has therefore, rightly refused to make reference after a lapse of 7 years when the delay remained unexplained. It was argued by Mr.G.M.Joshi that the reference cannot be refused by the Appropriate Government only on the ground of delay but this point has already been decided in the earlier decision and a detailed order has been passed in Special Civil Application No. 8254 of 1995 dated 31.1.1996. For the detailed reasons given in the aforesaid decision, the impugned order dated 28.3.1994 passed by the Ministry of Labour, Government of India cannot be interfered with, I do not find any merit in this Special Civil Application, the same is accordingly dismissed and the rule is hereby discharged. No order as to costs.
